

EXHIBIT A

Hon. Charles A. Legge (Ret.)
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 Special Master

JAMS

IN RE: CATHODE RAY TUBE (CRT)
 ANTITRUST LITIGATION

Master File No. CV-07-5944-SC
 MDL No. 1917
 JAMS Reference No. 1100054618

This Document Relates to:
 ALL DIRECT ACTION COMPLAINTS
 AND DOCUMENTS

**REPORT AND RECOMMENDATION
 REGARDING MOTIONS FOR SERVICE OF
 PROCESS ON CERTAIN DEFENDANTS**

Judge: Hon. Samuel Conti
 Special Master: Hon. Charles A. Legge (Ret.)

Two plaintiffs in the direct action cases have moved to serve process on two defendants, by serving their counsel pursuant to Federal Rule of Civil Procedure 4(f)(3). One motion is made by numerous direct action plaintiffs against defendants Chunghwa Picture Tubes, Ltd. ("Chunghwa"), and Beijing Matsushita Color CRT Company, Ltd. ("BMCC"). The second motion is by plaintiff State of Florida against BMCC only. The motions request that the Court order the service of process on those two defendants by serving their United States counsel.

The motions are opposed by those defendants, and briefs were filed by all sides. The motions were heard on May 21, 2012, and were submitted for decision. For the reasons stated below, the Special Master recommends that the motions be granted.

Rule 4(f) of the Federal Rules of Civil Procedure sets forth the means for the service of process on a defendant in a foreign country. Subsection 4(f)(3) provides for service "by other means not prohibited by international agreement as the Court orders." That procedure does not require exhaustion of the other alternatives set forth in rule 4(f), but is itself an independent means for service of process.

1 That method of service has already been used in the CRT cases. On September 3, 2008,
2 this Court granted a motion by the indirect purchaser plaintiffs to serve process on two foreign
3 corporations under rule 4(f)(3). See Order Granting Indirect Purchaser Plaintiffs' Motion to
4 Authorize Service on Certain Foreign Defendants Pursuant to Federal Rule of Civil Procedure
5 Rule 4(f)(3), dated September 3, 2008. The only difference between that order and the present
6 motions is that the defendants in the prior motions had United States subsidiaries where process
7 could be served. However, that distinction is not material here, because Rule 4(f)(3) does not
8 require service on a subsidiary, but only "by ... means not prohibited by international
9 agreement."

10 The objective of the rule is to require a process by which the defendant gets actual notice
11 of the claim against it, and the opportunity to be heard. *Rio Properties*, 284 F.3d 1007 at 1016
12 (9th Cir. 2002). Numerous cases have authorized the service of process on foreign defendants by
13 serving their domestic counsel; see cases cited in the motion of the State of Florida, pp. 5 and 6.

14 The only response to the motion by BMCC is a letter dated May 1, 2012 from the law
15 firm of Freshfields, Bruckhaus, Deringer U.S. LLP of Washington D.C. Counsel advises that
16 they have "not been instructed to represent BMCC in the direct action cases or in the actions
17 brought by the state attorneys general," and that BMCC does not have U.S. subsidiaries.
18 However, it is apparent from the record of these CRT cases that the law firm has appeared for
19 BMCC in the CRT litigation, even though not in the actions brought by the direct action
20 plaintiffs or the state attorneys general. But BMCC has already appeared in this group of cases
21 and has been represented by the Freshfields firm. It therefore appears certain that if process is
22 now served on Freshfields, Freshfields will notify BMCC of that fact, and BMCC will then have
23 actual knowledge of the claims brought against it by these additional plaintiffs. It should also be
24 noted that BMCC has previously accepted service of the action by the indirect plaintiffs in this
25 case.

26 Defendant Chunghwa has also appeared and participated in this CRT litigation since at
27 least 2010. Chunghwa has actively participated, and has been represented by counsel Gibson
28 Dunn, & Crutcher. And that counsel has appeared to oppose this motion, so there is no doubt

1 that if service is directed through Gibson, Dunn & Crutcher, Chunghwa will receive actual
2 notice.

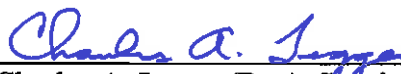
3 Chunghwa's counsel has raised various arguments in opposition to the motion. However,
4 the Special Master does not believe that it is necessary to address those arguments because
5 Chunghwa and its counsel have both been participating in these CRT cases for several years, and
6 there is already the precedent of Your Honor's order of September 3, 2008, directing such
7 service on other foreign defendants.

8 The Special Master therefore recommends that the Court issue an order authorizing the
9 direct action plaintiffs to serve defendants Chunghwa Picture Tubes, Ltd. and Beijing Matsushita
10 Color CRT Company, Ltd. through their local counsel, Gibson Dunn & Crutcher and Freshfields,
11 Bruckhaus, and Deringer U.S. LLP, respectively, pursuant to Federal Rule of Civil Procedure
12 4(f)(3).

13 The Special Master also recommends that the Court issue an order authorizing the State
14 of Florida to serve defendant Beijing Matsushita Color CRT Company, Ltd. through its U.S.
15 counsel Freshfields, Bruckhaus and Deringer U.S. LLP, pursuant to Federal Rule of Civil
16 Procedure 4(f)(3).

17
18 Respectfully Recommended,

19
20 Date: May 30, 2012



Hon. Charles A. Legge (Ret.), Special Master

21
22 The Report and Recommendations are Accepted and Ordered / Denied / Modified.

23
24 Date: _____

Hon. Samuel Conti, United States District Judge